

IN SENATE OF THE UNITED STATES.

FEBRUARY 9, 1848.

Submitted, and ordered to be printed.

Mr. JOHNSON, of Louisiana, made the following

REPORT:

[To accompany bill S. No. 131.]

*The Committee on Revolutionary Claims, to whom was referred the petition of the heirs of William Grayson, report:*

That this claim was presented to the House of Representatives in the year 1844, and on the 7th June of that year the Committee on Revolutionary Claims of that body made a favorable report thereon. This report your committee have carefully reviewed and feel satisfied of its correctness, and adopt it as a part of their report:

HOUSE OF REPRESENTATIVES.—June 7, 1844.

*The Committee on Revolutionary Claims, to whom the petition in behalf of the heirs of William Grayson was referred, report:*

That the heirs of the said William Grayson claim from the United States five years' full pay due to the said William Grayson, as a colonel in the continental line of the army of the revolution. This claim is founded on the resolution of Congress of the 3d of October, 1780, and that of the 21st of the same month and year. By the first of the aforesaid resolutions, a reduction of the army was directed; and by the second resolution, it was provided that the reduction of the army, contemplated by the resolution of the 3d of October, should take effect on the 1st of January, 1781; and it was further provided, by the said resolution, that the officers who should become supernumerary, by means of the reduction of the army, should retire entitled to half pay for life.

It is alleged by the petitioners, that William Grayson was appointed colonel on the 1st day of January, 1777, which rank he held till he became a supernumerary or deranged officer, on the 1st day of January, 1781, in pursuance of the aforesaid resolutions of

the 3d and 21st of October, 1780, by which he became entitled to half pay for life, which, by the act of March, 1783, was commuted for five years' full pay. In support of these allegations, the petitioners offer the certificate of Gen. Benjamin Lincoln, then Secretary of War, in the following words, viz:

“WAR OFFICE, 24th of May, 1783.

“It appears by a certificate in *this office*, under the hand of his excellency General Washington, who was authorized by Congress to officer the sixteen additional battalions, (as they were then called,) that William Grayson, esq., was, on the first day of January, 1777, appointed to the command of one of those battalions; which rank he continued to hold until he was deranged on the first day of January, 1781, by virtue of the resolution of Congress of the 3d of October, 1780; during which period Col. Grayson was, on the 7th December, 1779, appointed a member of the Board of War, and continued in that office till after he was deranged.

“B. LINCOLN.”

It was in pursuance of the foregoing evidence that land bounty was allowed to Col. William Grayson on the 23d of June, 1783, by the Executive Council of Virginia, for three years' service; and it was on the same evidence that additional land bounty was, on the 12th of September, 1809, allowed by the Virginia executive to the heirs of Colonel Grayson, due to him at the *end of the war*, as a reduced officer, for ten months' service over six years—that was, from the 1st of January, 1777, to the 3d of November, 1783,—say 926 acres, that being in exact conformity with the acts of the Virginia Assembly allowing land bounty to *reduced officers*. After an attentive examination into all that relates to this claim, the committee can find nothing which materially conflicts with, or in any way contradicts, the facts stated by General Lincoln. He states that William Grayson was appointed colonel on the 1st day of January, 1777. This is confirmed by the Washington Papers. (See vol. 4, page 271.) He states that William Grayson was appointed on the 7th of December, 1779, to the Board of War, which office he held till after he was deranged. The journals of Congress of that date show that William Grayson was appointed on the 7th day of December, 1779, to the Board of War, and that he held that office till he resigned it on the 10th of September, 1781. General Lincoln further states, that, in the arrangement of the army, on the 1st day of January, 1781, in pursuance of the resolution of Congress of the 3d of October, 1780, Colonel Grayson became “*a deranged officer*,” as many others did then, and at the successive reductions of the army at different periods of the war. If this statement of General Lincoln, who was then (say 24th of May, 1783) Secretary of War, and given in the War Office, sustained as it is by documentary evidence, is to be credited, the claim of Colonel Grayson to half pay for life, as a deranged officer, is fully sustained.

In a letter addressed by the Third Auditor (Mr. Hagner) to a

member of the Committee on Revolutionary Claims, in reference to the claim of Colonel Grayson to commutation pay, and herewith submitted; he states: "That it appears from the journals of Congress, that Colonel William Grayson was appointed by Congress a commissioner of the Board of War and Ordnance on the 8th of December, 1778; and on the 7th of December, 1789, he was elected by Congress a commissioner of the Board of War; which appointment he held till the 10th of September, 1781, when his resignation of said appointment was accepted by Congress. That the army records furnish no evidence of his services in the line of the army after March, 1779; that in April, 1779, his (Grayson's) regiment appears to have been incorporated with that of Colonel Gist; that as he (Grayson) was not *returned* at the close of the war as being entitled either to land or commutation from the United States, the *presumption* is, that he left the army, by *resignation*, upon his accepting the appointment of commissioner of the Board of War."

The committee do not concur with the Third Auditor in the conclusion at which he arrives, that Colonel Grayson resigned on the 7th of December, 1779. Besides the clear evidence of General Lincoln, that Grayson did not resign prior to the 1st of January, 1781, is the fact that land bounty was allowed to him in June, 1783, for three years' service, to which he would have no claim if (as the Third Auditor presumes) he had resigned on the 7th of December, 1779—which, from the 1st of January, 1777, the date of his appointment, did not amount to three years; much less would it do so, if, as has been presumed, he resigned in April, 1779, when his regiment was incorporated with that of Gist. Nor can it be well presumed that in 1809 additional land bounty would have been allowed to Colonel Grayson for a service of ten months over six years—that is, from the 1st of January, 1777, to the 3d of November, 1783—if he had resigned on the 7th of December, 1779. Again: from the commencement to the close of the war of the Revolution, all field officers of the continental army were, as the journals show, appointed by Congress; and the resignations of all such officers were necessarily tendered to Congress, and entered on the journal. It nowhere appears on the journals of Congress that Colonel Grayson resigned his military commission; yet the same journals show much that relates to him. They show that, by authority vested in General Washington, William Grayson was appointed colonel on the 1st of January, 1777, to command a continental regiment; that on the 8th of December, 1778, he was appointed by Congress to the Board of War and Ordnance, which appointment he declined on the 23d of the same month; that on the 7th of December, 1779, he was elected by Congress a commissioner of the Board of War, which appointment he accepted, and held till the 10th of September, 1781, when he resigned it. All this is entered on the journals of Congress; and though, from March, 1779, to January, 1781, the the resignations of many officers of the army are found on the journals of Congress, that of Colonel Grayson nowhere appears. It seems, therefore, reasonable to conclude that General Lincoln's

statement is correct; and that, instead of Grayson's resigning in April, 1779, when his regiment was incorporated with that of Gist, he thereby became a supernumerary, and, as such, was appointed to the Board of War on the 7th of December following, (still holding his military commission,) till on the 1st of January, 1781, he was, according to the evidence of General Lincoln, deranged. Nor does the fact stated by the Third Auditor, that Colonel Grayson was not returned at the end of the war entitled either to land or commutation, justify the conclusion that he had forfeited his claim to both by resignation. These returns were notoriously erroneous, and admitted to be so by the Third Auditor, by the Commissioner of Pensions, and the bounty land agent. In their respective answers to an inquiry made of them, "Whether there is in the War Department a list of the names of the officers of all the regiments of the continental army of the Revolution, who, as having served to the end of the war, or as having become supernumerary under the several arrangements of the army, were entitled to bounty land and commutation pay?"—they severally answer, that there are such lists, but that they are very imperfect.—(See House document No. 436, 1st session 26th Congress.) Hence it has resulted, that many officers whose names were not returned on those lists, have, by other satisfactory evidence, established their claim to land and to commutation pay, and it has been allowed to them; yet, imperfect as these returns were, the army agents, appointed to issue certificates for commutation pay, were instructed to grant them to those only who were returned on those lists.—(See the statement of Andrew Dunscomb, in the report of the committee on the claim of Ed. Brook.)

The presumption, therefore, that Colonel Grayson had no claim to commutation pay, because his name is not on these lists, is much weakened by the consideration that, as early as January, 1781, he went out of service as a deranged officer; and that most of the errors to be found on these lists apply to the deranged or supernumerary and retiring officers. It may be asked why, if Colonel Grayson was entitled to additional land bounty from Virginia, and commutation pay from the United States, he did not apply for and obtain both in June, 1783, when he obtained his Virginia land bounty? The answer is, that he had no claim to the additional land bounty or commutation pay in June, 1783. He had no claim to these till the end of the war, which did not occur till the 3d of November, 1783; while, by the act of the Virginia Assembly of 1782, he had claims in June, 1783, to land bounty for three years' service. Again: it may be asked why, if Colonel Grayson considered himself entitled to commutation pay, he did not apply for it at the end of the war, or at some time prior to his death, which occurred in May, 1790? There is nothing before the committee to show whether Colonel Grayson did, or did not, apply for his commutation pay. It is certain he did not receive it. And the delay to prosecute his claim during his life is accounted for by the petitioners, upon the following considerations. It appears by the journals of Congress, volume 4, page 478, that on the 18th of October, 1784, Andrew Dunscomb was appointed as agent for Vir-

ginia to settle commutation claims, and that he closed his agency in November, 1785—being thus engaged one year. It further appears, that William Grayson was appointed on the 22d of June, 1784, a delegate to the continental Congress, in which service he continued during the existence of that body.—(See Journals of Congress, volume 4, page 479.) That in 1789, he was appointed to the Senate of the United States, in which service he died in May, 1790. Seeing that he was absent from Virginia during the entire agency of Dunscomb, other engagements, and the inconsiderable value of the commutation certificate, (which, if obtained, was, during his life, worth in specie only one-tenth of its nominal amount,) may account for his taking no active measures to obtain it. At his death, it is represented that his children were minors; that they, of course, could take no steps to prosecute the claim, which from August, 1792, to the year 1828, they were prevented from doing by the acts of limitation. That by the year 1828, all the children of Colonel Grayson had died, and their descendants had gone to the far west; so that it was not till the year 1837 that one of those descendants petitioned Congress for relief in the premises, and that petition has been ever since, and is now before Congress. And the committee, upon a careful examination of the case, are of the opinion that there is nothing offered to impugn the statement of General Lincoln. They, therefore, respectfully recommend that the commutation pay claimed to be due to Colonel William Grayson, as a deranged officer under the resolution of Congress of the 3d of October, 1780, ought to be allowed, and to provide for which, a bill is reported.







